



**U.S. Department of Justice**

*United States Attorney  
Eastern District of New York*

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MW:SK  
F.#2015R00439

*271 Cadman Plaza East  
Brooklyn, New York 11201*

May 23, 2017

By FedEx

Simone Bertolini, Esq.  
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Re:     United States v. Fabio Gasperini  
Criminal Docket No. 16-441 (NGG)

Dear Mr. Bertolini:

Pursuant to Federal Rule of Criminal Procedure 16(a)(1)(G), the government hereby provides notice of the following expert witnesses that the government may call in its case-in-chief at trial. The government also hereby requests reciprocal discovery, pursuant to Rule 16(b)(1)(C), regarding any expert witness that the defendant intends to call at trial.

At present, the government intends to call Johannes Ullrich (SANS), Stuart Gorton (Hivemind), Luis Cruz (FBI), Ovie Carroll or Joe Varani (DOJ), Michael Berger (FBI), Steven Flatley (FBI) and one or more Italian linguists. These witnesses' testimony will be based upon, inter alia, their academic and professional training and experience and their review of computing devices and computer scripts relevant to this matter. A statement of each of these witnesses' qualifications and a description of their anticipated testimony is set forth below. Please note that certain of the reports and documents written by these individuals have been designated as Sensitive Discovery Material ("SDM"), pursuant to the Protective Order in this case issued on May 5, 2017.

1. Johannes Ullrich, PhD

Johannes Ullrich is the Dean of Research at the SANS Technology Institute and the Director of the SANS Internet Storm Center. A copy of Dr. Ullrich's CV is attached (3500-JU-1). Dr. Ullrich will testify regarding his review of findings from one of SANS' "honeypots," i.e., a computer security mechanism used to research online and computer-

based threats and identify means to better protect against such threats. Dr. Ullrich will testify regarding his observations that certain Network Attached Storage devices were being targeted through the Shellshock vulnerability. A summary of his findings is attached (3500-JU-2).

2. Luis Cruz

Mr. Cruz is a computer scientist with the Federal Bureau of Investigation. A copy of his resume is attached (3500-LC-1). At trial, the government expects that Mr. Cruz will testify about his analysis of a server that the defendant operated (previously produced as FG-000001). A copy of Mr. Cruz's report documenting his analysis and findings is attached (3500-LC-2 SDM).

3. Stuart Gorton

Stuart Gorton is an independent cybercrime investigator. A copy of his CV is attached (3500-SG-2). At trial, the government expects that Mr. Gorton will testify about his observations that a botnet was targeting certain Network Attached Storage devices with the Shellshock vulnerability. A copy of Mr. Gorton's report documenting his observations and analysis is attached (3500-SG-1 SDM).

4. Ovie Carroll or Joe Varani

Ovie Carroll is the Director of the Department of Justice's Cybercrime Lab and Joe Varani is a Senior Digital Investigative Analyst at the Department of Justice. Copies of their resumes are attached (3500-OC-1; 3500-JV-1).

At trial, the government expects to call either Mr. Carroll or Mr. Varani to testify about general terminology related to cybercrime, including botnets, click fraud scripts, malware, servers, the Shellshock vulnerability and other terms material to the charges against the defendant. In addition, the government anticipates that Mr. Carroll or Mr. Varani will testify about the operation and capabilities of botnets and malware generally as well as the operation and capability of the malware and botnet employed by the defendant in this case.

5. Michael Berger

Michael Berger has worked as a computer scientist with the FBI since 2012. Prior to joining the FBI, he worked as a Digital Forensic Analyst at TransPerfect. Mr. Berger has a BS in Computer Science from Hofstra University and an MS in Forensic Computing from John Jay College. In addition, Mr. Berger has several Global Information Assurance Certifications, including the following: Certified Forensic Analyst - 8/2013; Security Essentials - 12/2013; Certified Incident Handler - 4/2014; Reverse Engineering Malware - 6/2014; Industrial Cyber Security Professional - 8/2014; Certified Intrusion Analyst - 9/2015; Network Forensic Analyst - 12/2015; Certified Forensic Examiner - 9/2016; and Penetration Tester - 2/2017. At trial, the government anticipates that Mr. Berger will testify about his analysis of a shell script downloaded by computing devices

compromised by the defendant's malware. A report documenting his observations and analysis is attached (3500-MB-1 – 3500-MB-1A).

6. Stephen Flatley

Mr. Flatley has been a computer forensic examiner with the Federal Bureau of Investigation for more than 10 years. He has received training in numerous methods concerning the forensic examination of electronic equipment and has previously been certified as an expert in this field in federal court. A copy of his curriculum vitae is attached (3500-SF-1). Mr. Flatley is expected to testify regarding the forensic examination of a server located in Flushing, New York, including the presence of the defendant's scripts on that server.

7. Italian Linguist(s)

Finally, the government anticipates introducing at trial Italian-language documents. The government expects that one or more Italian linguists may testify regarding their translations of and/or verify the accuracy of translations of certain documents. They will further testify that the finalized documents are true and accurate English translations of the original documents and recordings.

Very truly yours,

BRIDGET M. ROHDE  
Acting United States Attorney

By: \_\_\_\_\_ /s/  
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Enclosures (via email only)

cc: Clerk of the Court (NGG) (by ECF) (without enclosures)